

February 1984

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Recommended Citation

Mooney, Mary Margaret (1984) "Abortion: A Religious Issue?," *The Linacre Quarterly*: Vol. 51 : No. 1 , Article 9.
Available at: <http://epublications.marquette.edu/lnq/vol51/iss1/9>

Abortion: A Religious Issue?

Sister Mary Margaret Mooney

Sister Mary Margaret Mooney submitted the following paper while pursuing studies at the Catholic University of America.

Statements by "freedom-of-choice" proponents contending that "right-to-life" advocates are attempting to transform into law specific religious beliefs are not new to the abortion debate; such statements are increasing in frequency. No one, whatever his personal position, would deny that there is a religious dimension to abortion. However, recognition of a religious viewpoint is not tantamount to identifying abortion as a religious issue. Neither is basic agreement with the principle that the whole moral life of man is not to be subsumed into law equivalent to declaring unlawful any law with moral overtones.

Nevertheless, the identification of a pro-life position with religion (usually a specific religion, i.e., Roman Catholicism) continues to distort presentations in the political forum. A typical pronouncement is that of the executive director of Americans United for Separation of Church and State. Pro-abortionists, he says, "seek only to prevent government from imposing the views of some religious groups on all citizens by law."¹ While the ignorance of history evident in such statements tends to make them unprovocative of serious consideration, the insidiousness of the grammar as well as past experience indicate the prudence of responding to both their content and their assumptions.

Religion, a specific system of conduct based on a belief in a super-human power(s) one is obliged to obey and worship,² offers a direction for behavior stemming from a faith experience. Societal values influencing and influenced by the behavior of individuals are never free of religious "taint." Whatever its theological core, a religion has

the sociological function of bestowing a legitimizing ontological status on social institutions. Indeed, most religions take this function quite seriously and Roman Catholicism is no exception.

While it is not a function of the Church to offer concrete solutions in the social, economic and political spheres,³ it is her duty to intervene when there is a question of judging the application of ethical principles to concrete cases.

The Church's role in the political order includes the following:

- education regarding the teachings of the Church and the responsibilities of the faithful;
- analysis of issues for their social and moral dimension;
- measuring public policy against Gospel values;
- participating with other concerned parties in debate over public policy;
- speaking out with courage, skill and concern on public issues involving human rights, social justice and the life of the Church in society.⁴

Episcopal statements following the above scheme are seen by some as confusing morality with legality,⁵ fostering bitter confrontations⁶ or constituting an intrusion inappropriate in a pluralistic society.⁷ These views are expressive of a rather pervasive feeling that very identifiable religious belief should be excluded from any bearing on public policy.

Clauses Seen as Complementary

When written, the "no laws respecting an establishment" and the "free exercise" clauses of the First Amendment were seen as complementary. In contemporary society they are often at tension with one another particularly in the area of the psychological function of beliefs.⁸ The secular science of ethics attempting, as it does, an all-inclusive rationalization of life, is destined to overlap with the mission of religion. Secular ethics in a pluralistic society cannot in the concrete be separate from religious ethics; it must be distinct.

Both in and out of the courts, there has been much discussion as to how the First Amendment religion clauses should be applied. What religion is in terms of the First Amendment has been confined to definitions formulated for specific case decisions. In this manner, any position or question of moral or human value implications has been decided to be the functional equivalent of religious belief.⁹ The blurring of distinction between morality and religion makes doubtful the possibility of any non-religious position in the legal sense—at least among the non-religious.¹⁰ Furthermore, those who choose to work for political change from out of a theistic perspective are merely exercising their First Amendment rights.

Opposition on Christian grounds to governmental policies is an accepted phenomenon in those countries in which the government pretends to do no more than administer the affairs of society; it is considered a legitimate exercise of religious freedom.¹¹

In such a country it is also logical to expect innovation from legislative bodies and restriction from the courts. Since it is abnormal in a democracy to bring about through the courts changes the people do not endorse, the function of the Supreme Court in its abortion decision must be regarded as an aberration. In attempting to divine the reasons legislators of the past enacted abortion restrictions into law, the Court was led to statements not unlike those of a Court of 1857, the Court which made the *Dred Scott* decision. In 1972 "privacy" replaced "property" as the significant constitutional right to be considered. From a jurisprudential viewpoint, the Supreme Court acted unwisely in entrusting itself with major judgments as to ends.¹² From a democratic point of view, concern of religious bodies with the abortion issue is more appropriate and valid than was the Supreme Court decision which brought prominence to such concern.

In a democracy, the values and opinions of all citizens must be considered and none forbidden entry into the public forum because of its source. Neither can an opinion dominate merely because it is a majority opinion; the majority are as capable of error as the minority. Individual rights and various interpretations of rights may dictate different answers to the same question. A religious belief may indeed lead one to favor one mode of political action over another. This should not lead to out-of-hand rejection of that action by those who do not share the belief. In a pluralistic society, what must be attempted is a distillation of all positions in search of ingredients not only compatible with but supportive of the constitutional bedrock of the society, whatever the concurrent religious flavor may be. Only those ingredients which are primarily and necessarily based on sectarian religious beliefs and which are without the support of an overwhelming consensus can be excluded from full contribution to the formulation of public policy.

How then does one distinguish a religious issue from a political issue in which various religious groups may have greater or lesser interest? Some authors would see the element marking an issue religious simply as an "essential appeal to the will of God"¹³ as manifested in either revelation or theological opinion.¹⁴ This would seem sufficient. Nevertheless, others, such as Jaffe, would apply more detailed criteria.

A belief could be distinguished as primarily religious by such criteria as the following: (1) it is part of the doctrine of religious groups; (2) it is legitimated in religious and transcendental terms; (3) its principal exponents are associated with religious groups, as are the majority of its adherents; (4) individuals are formally taught the belief mainly through religious institutions; (5) the principal organizations supporting legislation embodying the

belief are either religious institutions or closely allied organizations that draw a large part of their funds, cadres, constituency, and advocacy networks from religious groups; and (6) advocacy for the belief is dominated by religious references and symbols.¹⁵

Terms similar to these six criteria are often used by those who label abortion restriction religious. However, the fit of the facts to these criteria is questionable.

Religious references and symbols — Laws restricting abortion were passed by the states many years ago. Since Catholicism was not quite respectable, let alone powerful, in this country at that time, it is doubtful whether the beliefs which prompted those laws had any reference to the "Roman religion." As for the symbolism employed by those favoring abortion restriction, it seems to consist mostly of pictures of dead fetuses and red roses. Now the former have never figured in the symbolism of any church and the latter are more closely associated with the House of Tudor than with religion.

Principal support from religious organizations — Anti-war protests led by Protestant clergy did not make U.S. involvement in Vietnam a religious issue. Advocacy of abolition by the Quakers did not convince any thinking person that slavery was a religious issue. Pleas for restriction of abortion by Catholic bishops do not make abortion a religious issue. Much is made of the financial contribution of the Catholic Church to anti-abortion legislation. In 1977 this amounted to a half-cent per Catholic, a total of \$280,000, less than one-half of one percent of the budget for Catholic Charities alone.¹⁶ If this is a large part" of their funds, the pro-life groups must have a difficult time paying their phone bills.

Formal Teaching of Church

Belief taught mainly through religious institutions — The whole notion that one learns moral principles through any institutional means is unsound. Most folks who consider abortion wrong knew it was wrong before they knew what it was. The formal teaching of the Church does, however, represent the collective effort of centuries to defend and protect human life. Such a body of human experience is relevant to any ethical effort. The task of the humanist is not to condemn this aggregate out of hand as religious, but rather to extract those experiential and rational strands which are the common heritage of the Western tradition.

Exponents of belief associated with religious groups — Most members of legislatures as well as many taxpayers are associated with some religious group. Does this render suspect their arguments for or against any issue? Part of this misunderstanding is due to the differing methods with which Protestantism and Catholicism appraised abor-

tion. Protestant situation ethics for the most part offered a theological assessment of the problem. With the abstraction from or abandonment of the traditional theological position (which historically was a stronger one than that of Catholicism) there were no residual philosophical arguments or assumptions to provide a basis for opposition to abortion. Such was not the case with the "Catholic position." The philosophical basis for the teaching on abortion which had been supportive of the theological remains intact and self-supporting even on separation from the theological.

Religious and transcendental terminology — The writers of the Declaration of July 4, 1776, birth certificate of this nation founded on a philosophy of pluralism, justified their actions in transcendental terms without apology. However, protection of the helpless is probably the most dominant rationale for abortion opposition. This is a primordial urge and an experienced reality of functional democracy.

Doctrine of religious groups — Rights to justice, general welfare and liberty are part of the social doctrine of the majority of religious bodies in the United States today, yet no one has suggested deleting these rights from the Constitution nor have civil rights issues in recent times been characterized as religious issues. Nevertheless, it is the assertion that belief in the humanity of a fetus is a religious doctrine which prompts most of the accusations that abortion opposition is a religious stance. It does seem that the ultimate basis for disagreement on the permissibility of abortion is the different responses given to the question, "Is the fetus a human person?" Answers to this question are not dependent on factual information but represent different world-views related both to metaphysical constellations and to the very purposes for which the human question is asked.

One effort to define humanity stems from the urge to know about the essential character of mankind and to trace biological and/or divine origins. Linked with this first purpose is the effort to define what a good human being is. At intervals in history various groups (e.g., slaves, women, children) have been denied full protection on the basis of their being less-than-men.

Whatever the purpose in asking "Is the fetus a person?" religion may well influence one's answer; it does not determine it. There are many formulations incorporating the basic assumption that a fetus is a person: some are non-Catholic;¹⁷ some are meticulously non-religious.¹⁸ While a hybrid of the descriptive and the normative purposes of the humanity question provide the usual ethical basis for a stance on abortion, construction of a firm position against abortion on demand is not dependent on the fetus-is-person premise. Philosophical arguments apart from the humanity question¹⁹ and experiential reasons²⁰ have been proposed for abortion restriction.

Jaffe's six criteria for defining a belief or issue as religious are not met by the facts of the abortion debate. Religious grounds are not

essential to effective arguments for abortion restriction and perhaps are better not employed in the political arena of a pluralistic society if for no other reason than to avoid the mobilization of church-state separation purists.

The pro-life movement is not a Catholic movement. The prominence of Church leaders in the movement tends to make it vulnerable to attack as "religious." Given the tenor of the times, this is a risk that seems unavoidable and is to be preferred to silence by those whose roles should be ones of leadership.

There is constitutional sanction and historical precedence for religious groups to participate in the political process. Not only should religious "agitation" be permitted; it should be encouraged. Judges and others who make their living on the law have notoriously little tolerance for confusion. Biomedical scientists, schooled in objective technology, are equally averse to disorder. To permit these disciplines to act out their impulse to bring order at any cost to the social deployment of technology has horrendous implications. It is a sociological mission of religious groups to keep the frailty and the splendor of the human person in focus.

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